

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

CAROLYN BROWN, JERRY
ZIMMERMANN, THE GAZETTE
COMPANY, DUANE C.
SPRIESTERSBACH, JAMES
PETERSON, JOSEPH PETERSON and
RAYMOND RIEZMAN,

Plaintiffs,

vs.

McGRAW HILL, INC.,¹

Defendant/Counterclaim-
Plaintiff,

vs.

CAROLYN BROWN and JERRY
ZIMMERMANN,

Counterclaim-Defendants.

No. 06-CV-34-LRR

**ORDER DISMISSING
COUNTERCLAIMS**

The matter before the court is Plaintiff/Counterclaim-Defendant Carolyn Brown's and Plaintiff/Counterclaim-Defendant Jerry Zimmermann's Motion for Summary Judgment on Defendant's Counterclaim ("Motion for Summary Judgment") (docket no. 38).

On March 10, 2006, Plaintiffs Brown, Zimmermann and The Gazette Company filed a complaint against Defendant/Counterclaim-Plaintiff McGraw Hill, Inc. ("McGraw

¹ In the complaint and amended complaint, Plaintiffs name Defendant as "McGraw Hill, Inc." In Defendant's answer and answer to amended complaint, it states that it is incorrectly named in the caption of this case and that its correct name is "The McGraw-Hill Companies, Inc." Defendant refers to itself as "The McGraw-Hill Companies, Inc." in its Local Rule 3.2 Statement of Interest, as well. (*See* docket no. 9). The Clerk of Court shall be directed to amend the caption of this case to replace "McGraw Hill, Inc." with the correct name of "The McGraw-Hill Companies, Inc."

Hill”). On May 23, 2006, McGraw Hill filed its answer and a counterclaim against Brown and Zimmermann. On June 8, 2006, Brown and Zimmermann answered the counterclaim.

On October 2, 2006, and with the court’s permission, Brown, Zimmermann, The Gazette Company, Duane C. Priestersbach, James Peterson, Joseph Peterson and Raymond Riezman filed an amended complaint. On October 12, 2006, McGraw Hill filed its answer to the amended complaint and a counterclaim against Brown and Zimmermann (docket no. 16).


On April 16, 2007, Brown and Zimmermann filed the Motion for Summary Judgment seeking dismissal of the counterclaim. On May 14, 2007, McGraw Hill filed a Response to Plaintiff’s Motion for Summary Judgment on Counterclaim and Dismissal of Counterclaim (“Response”) (docket no. 50). In the Response, McGraw Hill agrees with Brown and Zimmermann that its counterclaim should be dismissed. Therefore, the court shall dismiss the counterclaim.

It is hereby **ORDERED**:

- (1) Plaintiffs’ Motion for Summary Judgment (docket no. 38) is **GRANTED**;
- (2) McGraw Hill’s October 12, 2006 counterclaim (docket no. 16) is **DISMISSED WITH PREJUDICE**; and
- (3) The Clerk of Court is directed to amend the caption of this case to replace “McGraw Hill, Inc.” with the correct name of “The McGraw-Hill Companies, Inc.”

IT IS SO ORDERED.

DATED this 15th day of May, 2007.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA